



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-004**

January 19, 2004

Joseph and Barbara Di Pierre
788 Hilltop Rd
Littleton, NH 03561

RE: DES Wetlands File #2003-00133, 788 Hilltop Road, Littleton

Dear Mr. and Mrs. Di Pierre

On April 18, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Littleton Tax Map 228 as Lot 10 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

- A pond measuring approximately .70 acres was built within a scrub-shrub wetland
- 2. A channel measuring approximately 100 feet long by 10 feet wide had been dredged in an intermittent stream; and
- 3. An inlet to the pond was constructed by installing two intake pipes within jurisdictional wetlands.

Because the height of the embankment surrounding the pond exceeds four feet, the embankment meets the definition of a dam pursuant to RSA 482:2, II. DES records indicate that it is not registered as a dam pursuant to RSA 482:5.

In response, you are requested to take the following actions

By **February 27, 2004**, submit a restoration plan that includes the following:

- a. A plan with dimensions, drawn to scale, indicating:
 - i. A footprint of the wetlands prior to disturbance;
 - ii. A footprint of the existing conditions showing the extent of dredging and filling;
- b. A plan detailing the construction sequence for draining the pond and removing the embankment and re-establishing the wetland;
- A proposed means for erosion or sediment controls;
- d. A proposed schedule and construction sequence listing equipment and methods for accomplishing restoration no later than May 31, 2004;

- e. A proposed planting plan for the re-establishment of wetland vegetation; and
- f. A proposed monitoring plan, including one restoration progress assessment report to be filed with DES after one growing season.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

COPY
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 2323

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Littleton Conservation Commission
Littleton Board of Selectmen
USACOE
Carl Sherblom, Sunset Hill Design
Dale Guinn, DES Dam Bureau